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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,618	02/09/2004	William W. Brown	PAK23 032624.00017	8681

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EXAMINER

PRIETO, BEATRIZ

ART UNIT PAPER NUMBER

2142

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/774,618	BROWN, WILLIAM W.	
	Examiner	Art Unit	
	Prieto Beatriz	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/05</u> . | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

1. This communication is in response to Application No. 10,774,618 filed 02/09/04, claims 1-42 have been examined.
2. The Abstract is objected to for failure to comply with 37 C.F.R. 1.72(b) and M.P.E.P. §608.01(b). In this case, rule states that a brief narrative of the disclosure as a whole in a single paragraph of *150 words or less* commencing on a separate sheet following the claims.
3. Acknowledgment is made to claimed benefit of earliest filing date to a provisional application No. 60/153,350 files 09/10/99 and non provisional 09/497,733 filed 02/04/00, now patent No. 6,838,998 issued 01/04/05, under section 119 or 365(a) of this title or to the benefit of an earlier filing date in the United States under section 120, 121, or 365(c) of this title. As noted on page 1 of the specification, which will further need to be updated to include the current status of the nonprovisional application noted above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-7, 14-15, 17-31 and 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton et. al. (Shelton) U.S. Patent No. 6,067,018.

Regarding claim 1, Shelton teaches substantial features of the invention as claimed, teaches a system/method including

a "web host" computer connected to the Internet network, said web host having a memory (Shelton: Internet server hosting web page map location see col 13/lines 40-59 and see col 9/lines 8-25 therefore having a memory, i.e. computer readable medium);

a "pet location" unit for being carried by the pet for calculating the location of the pet at any given time (Shelton: pet collar 102 of Fig. 1 see col 8/lines 48-50, calculating location see col 4/lines 27-36 and col 13/lines 24-28, 47-53);

a "web" host configured for receiving a tracking request from the subscriber (Shelton: Internet server receiving a request for location information, col 13/lines 40-59, and col 9/lines 8-25);

said web host for receiving back location data from said pet location unit representing the current position of the pet automatically (Shelton: col 13/lines 24-39);

said web host for transmitting the location data to said subscriber and displaying the location of the pet at the subscriber's terminal (Shelton: col 13/lines 40-59 and col 9/lines 8-25);

although Shelton teaches generating a request for tracking information automatically and receiving back current location data indicating current position of the pet also automatically in response to said tracking call request, location data used for displaying a map location at user's terminal, including where the web host is configured to receive from the pet collar location data used for rendering a web page, Shelton does not explicitly where this is performed by the web host computer;

It would have been obvious to one ordinary skilled in the art at the time the invention was made given Shelton suggestion of initiating a call location data request only upon demand to conserve the battery power within the collar, and his teachings for automatically generating periodic tracking request calls to the paging device at the pet's collar, to further automate these call(s) at the Internet server, to which Shelton's pet owner logs on to access location data via his portable personal computer. One ordinary skilled in the art will be motivated to have Shelton's system in which the owner looking for his pet, to request and subsequently obtain a web page of the pet's location by logging to a central facility Internet server, which then further enables the server either makes the location request upon demand to provide it to the owner, or provides it from the most recently periodic tracking call automatically generated by the Internet server monitoring the pet's location.

Regarding claim 2, receiving said tracking request signal from the remote user via the Internet (Shelton: personal computer (418) request web page having location information to an Internet server see col 13/lines 40-59, portable computer via modem as Internet server of web page containing location information see col 9/lines 8-25),

said tracking request having an identifier (pet location unit identification) (Shelton: provided pet identification number with web page location information access request, col 13/lines 36-39);

receiving, processing and routing said tracking request (Shelton: Internet server receiving web page location information access/log on request, generating a web page having location information of the

pet identified by the owner (i.e. processing), Internet server rendering request information on a web page for the user (i.e. routing) on his display screen, see col 13/lines 40-59 and col 9/lines 8-25);

initializing, startup or make operational a wireless communication with said location unit (Shelton: wireless communication with paging unit at the pet's collar see col 12/lines 38-42, paging communicates over a cellular network see col 14/lines 17-19);

generating a tracking call upon request and outputting said tracking call the paging unit at the pet collar (Shelton: polling signal generation col 10/lines 29-34, signal generation see col 11/lines 42-47);

receiving location data from said location unit (Shelton: pet collar transmits a reply in response to query, i.e. polling signal see col 6/lines 8-11, coordinated are transmitted to the tracking station, i.e. Internet server see col 8/lines 54-59);

outputting said location data for display of the pet location unit by the remote user via the Internet (Shelton: col 9/lines 8-25 and col 13/lines 40-59);

and for the computer program instructions embodied in computer readable code residing on said web host that when executed by a processor perform the above mentioned functions, same rationale of rejection is applicable to the software implementation.

Regarding claims 3, this is the software implementation of the functionalities discussed on claim 2 taught by the prior art of record, same rationale of rejection is applicable to the software implementation.

Regarding claim 4, said web host configured to perform a validation process (Shelton: see logon procedure (e.g. authentication procedure) to access an Internet server hosting web pages see col 13/lines 40-59 and col 9/lines 8-25).

Regarding claim 5-6, formatting said location data into a display map of the current location of the location unit (Shelton: posting location information on an Internet server and providing a map showing (i.e. formatting location data on a map) the location for remote access to the owner using a computer see col 9/lines 8-25 and col 13/lines 40-59), and

outputting said map to the remote user via the Internet and a view the current location of the pet on a map (i.e. indication of current location or position on a map) (Shelton: web formatted image display, col 13/lines 40-45, map, col 9/lines 8-14),

Regarding claim 7, generating a tracking call to said location unit for location data when said tracking call including an identifier corresponds to an access code (Shelton: user logs on to an Internet server, see col

13/lines 40-59 at a central facility serving a large number of users see col 9/lines 8-24, i.e. typical log-in procedure involves user authentication for access to services provided by an Internet server wherein user identification (password or user ID) is verified to correspond to an authorized access code, this is inherent to Shelton's teachings).

generating said tracking call that includes a number (unit identification number), wherein the numbers and/or identifiers are stored on the web host (Shelton: col 2/lines 45-63, telephone number, password or user identification (authorization access codes) upon login to Internet server see col 13/lines 40-45).

Regarding claims 14, 15 and 17, a collar to be worn about the neck of the pet (Shelton: Fig. 1); (tamper resistant) means for securing said unit to the pet collar (Shelton: Fig. 1, i.e. collar); said location unit is integral as one piece with said pet collar (Shelton: Fig. 1).

Regarding claims 18-20, said location unit includes a collar (unit fastening device) carried by the housing for attachment of said housing to said pet collar (Shelton: Fig. 1); said fastening device comprises special fasteners for attachment to spaced portion of the pet collar (Shelton: Fig. 1); said housing is contoured to fit with the collar around the pet's neck (Shelton: Fig. 1).

Regarding claim 21, this claim contains features substantially the same as those discussed on claim 1, same rationale is applicable to the computer program instructions embodied in a computer readable medium that when executed by a processor perform the claimed functions, additional features are said web host being accessible by the subscriber from a remote computer terminal (Shelton: col 9/lines 8-25 and col 13/lines 40-59).

Regarding claim 22, wherein said web host is accessible concurrently by a plurality of subscribers for sending out concurrent tracking calls to a plurality of respective location units carried by pets sought to be located (Shelton: col 9/lines 8-25 location data is posted on the Internet server accessible by a large number of pet owners and for continually receiving location information).

Regarding claims 23-27, substantially the same as claims 5-7, 10, & 12, same rationale of rejection is applicable.

Regarding claim 28, including features discussed on claims 1, 8 & 11, same rationale of rejection is applicable, and further transmits said location data to said web host, hangs up, and returns to a receiving or mode that requires less power consumption (standby) mode (Shelton: Fig. 7).

Regarding claim 29, this claim contains features substantially the same as those discussed on claims 1 & 21, same rationale is applicable, additional features are a plurality of the subscriber terminals concurrently over the Internet (Shelton: col 9/lines 17-25).

Regarding claims 30-31 and 33, placing said location unit on said pet by physically attaching a collar to the pet which carries said location unit (Shelton: Fig. 1); incorporating the location unit into the collar as an integrated construction wherein said location unit includes a contoured housing contoured to the pet's neck (Shelton: Fig. 1), and placing said location unit on said pet by securing said location unit to a collar worn by the pet (Shelton: Fig. 1).

Regarding claims 34-35, comprises features substantially the same as claims 1, 8, 10 & 21, same rationale of rejection is applicable.

Regarding claim 36, substantially the same as claim 22, same rationale of rejection is applicable. Providing concurrent access to said web host from a plurality of subscribers for sending out concurrent tracking calls to a plurality of respective pet location units carried by pets sought to be located (telephonic, email, internet communication support concurrent communication by a plurality of subscribers, i.e. users having access, col 2/lines 45-49, col 5/lines 65-col 6/line 7, appropriate identifiers and/or access codes (e.g. telephone number, e-mail address, message headers, etc.).

Regarding claim 37, this claim contains features substantially the same as those discussed on claims 1, 8, 10, 21, & 29 same rationale is applicable.

Regarding claim 38, substantially the same as discussed on claims 1, 8, 10 & 21, and further wherein the subscribers have computer terminals with displays, said method comprising: have access (subscribe) to a web host accessible from the subscriber terminal (col 9/lines 17-25, col 10/lines 29-34, col 6/lines 51-54, connected to the Internet network col 11/lines 30-31, col 2/lines 45-63); and pet's identifier (col 13/lines 36-39).

Regarding claim 39-42, substantially the same as claims 14, and 16-20, same rationale of rejection is applicable.

6. Claims 16 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton et. al. (Shelton) U.S. Patent No. 6,067,018 in view of Hoffman et. al. (Hoffman) U.S. Patent No. 5,742,233.

Regarding claims 16 and 32, however the above-mentioned prior art does not teach automatically transmitting data to a host in the event of an unauthorized removal of the collar from the (pet) animal.

Hoffman teaches automatically transmitting data to a host in the event of an unauthorized removal of a portable unit (abstract), wherein the said unit may be worn by a pet (col 7/lines 6-12).

It would have been obvious to one ordinary skilled in the relevant art to utilize Hoffman's teachings for automatically transmitting data to a host in the event of an unauthorized removal of the collar from the (pet) animal, also using GPS technology for the location of animals and unanimated object, and discussing prior arts use of collars with intelligence to assist in locating and preventing theft of animals, motivation would transmit an alarm signal when the unit is removed from the animal by a forceful or unauthorized action, sends a data transmission which includes its location to the central dispatch station for display of the animal identification information, nature of the alarm on a digitized map at a position corresponding to the location of the animal wearing the portable unit.

7. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton et. al. (Shelton) U.S. Patent No. 6,067,018 in view of Prabhakaran U.S. Patent No. 5,922,040

Regarding claim 8, Shelton further teaches a housing (enclosure) (Shelton: Fig. 1, col 10/lines 23-26);

a processor (location chip) within the enclosure for receiving geo-position information (Shelton: col 4/lines 29-32) and a processor for generating pet location data representing the position of the unit (Shelton: col 4/lines 32-36);

a transceiver (Shelton: col 6/lines 8-11) for transmitting said location data to a remote station in response to a call signal being received from said remote station (Shelton: col 4/lines 27-36, col 3/lines 32-35);

said processor controlling said transceiver to transmit said location data in response to automatically answering said call signal from said remote station (Shelton: col 11/line 65-col 12/line 3);
and

a power supply for supplying power to said location chip, said processor and said transceiver (Shelton: col 12/lines 6-9);

although Shelton teaches a transceiver transmitting said location data to a remote station in response to a call signal being received from a paging unit, it does not explicitly teach transmitting to a web host in response to a call signal received from a remote station;

Prabhakaran teaches a system/method related to locating or tracking any object including animals (col 2/lines 25-30, col 4/lines 36-40), including

a server computer configured for polling an animal having a GPS tracking device for position related data and transmitting location data to a server in response to a call signal received from the server and providing said position data to a client (see col 24/lines 58-col 24/line 4, GPS navigational tracking device 611 see Fig. 3 and col 9/lines 29-43).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to given Shelton's teachings for automatically polling for location or position related information and receiving in response to said polling location or position data transmitted from a transceiver to be displayed, to further implement Prabhakaran teachings for configuring a server computer or a remote station to poll the GPS device for position related data. One ordinary skilled in the art would be motivated to implement Prabhakaran teachings into Shelton's system for enhancing it by providing a server of any type and operating on any platform to provide concurrently services to clients including user verification, current and history location reports which include latitude/longitude and identification information for locating or tracking any mobile entity.

Regarding claim 9, said location chip is a global positioning satellite receiver (GPS chip) for receiving geo-position information from a global positioning system (Shelton: col 8/lines 48-59).

Regarding claim 10, comprises a computer readable medium is included within said processor and including a set of computer instructions embodied in said computer readable medium wherein said instructions perform substantially the same features discussed on claim 1, such as receiving (detecting) a detecting a tracking request; transmitting (requesting) tracking information from said location chip; transmitting (providing) said location data for transmission to a remote location, same rationale of rejection is applicable, and further, generating location data from said tracking information (Shelton: col 4/lines 27-36).

Regarding claim 11, returning said processor to a receiving mode (standby mode) after transmission of said location data to said remote location (Shelton: Fig. 7).

Regarding claim 12, said location data is embodied in a digital packet containing digital data only, and having no audio signal component (Shelton: col 4/lines 27-36)..

Regarding claim 13, said digital packet includes (access code) data identifying a (specific object) pet to which the device (collar) is assigned and location data (Shelton: col 8/lines 54-59).

Citation of Pertinent Art:

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure; Copies of documents cited will be provided as set forth in M.P.E.P. § 707.05(a):

U.S. Patent No. 5,838,237 (11-1998): Revall et. al. teach locating lost or injured pets by using global positioning technology, wherein a location device (10) being carried by the animal for calculating the location of the pet, receiving a polling request, transmitting a call to the location device, receiving a reply automatically in response to said polling request, reply including location data from said location device representing the current location of the animal carrying the location device, whereby the location of the animal is displayed on a map including a position indicator (see abstract, col 2/lines 20-35, col 2/lines 61-col 3/line 10, col 3/line 23-25, col 4/lines 6-44, col 5/lines 30-41, col 5/lines 54-67, col 7/lines 1-22).

ArcView Tracking Analyst: Complete Tracking Solutions, An ESRI White Paper, May 1999, p. 1-12

This paper discloses a GPS based real-time tracking system applicable to tracking animals ("pets") over the Internet in including wireless communication mediums (CDPD, radio, satellite, etc.) extending Internet or IP protocol based communication protocols, further using commercially available sensors including animal-tracking collars, wherein location information, (latitude/longitudes, velocity and direction) are displayable within a map displaying the entire city, at a computer station (e.g. a personal computer).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).


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or faxed to the Central Fax Office:

(703) 872-9306, for Official communications and entry;

Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.


B. Prieto
Primary Examiner
March 14, 2005

Berty Prieto
Primary Examiner